

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

RICKIE EARN BERNA  
ADC #80609

PLAINTIFF

VS.

5:04CV00388 GH/JTR

MS. ROBINSON, Maximum Security Unit,  
Arkansas Department of Correction, et al.

DEFENDANTS

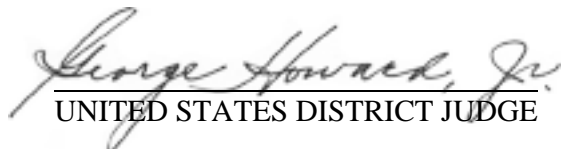
**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Defendants' Motion to Dismiss (docket entry #30) is GRANTED, and the Complaint (docket entry #1) is DISMISSED, WITH PREJUDICE.
2. Plaintiff's Motion for Rule to Name Additional Defendants (docket entry #34) and Motion to Compel Discovery and for Sanctions (docket entry #35) are DENIED, AS MOOT.
3. Dismissal of this action CONSTITUTES a "strike," as defined by 28 U.S.C. § 1915(g), for failing to state a claim upon which relief may be granted.
4. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 13<sup>th</sup> day of October, 2005.

  
UNITED STATES DISTRICT JUDGE